

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

In re:

Danora M. Davis,

Chapter 7

Debtor(s).

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Case No. 08-30579-DOT

W. Clarkson McDow, Jr.,  
United States Trustee  
Region Four,

Plaintiff

v.

Adv. Proc No. \_\_\_\_\_

Danora M. Davis,

Defendant.

**COMPLAINT OBJECTING TO DISCHARGE**

W. Clarkson McDow, Jr., the United States Trustee for Region Four, by counsel, for his complaint objecting to the discharge pending for the debtor, Danora M. Davis (the “Debtor”), states:

**Parties**

1. W. Clarkson McDow, Jr. (the “U.S. Trustee”) is the United States Trustee for Region Four.
2. On or about August 26, 2005 (the “Petition Date”), the Debtor along with her husband, Kitiko A. Davis, filed a joint voluntary petition under Chapter 13 of the Bankruptcy Code, 11 U.S.C. § 101, et seq. (the “Bankruptcy Code”), designated as Case Number 05-37523-DOT (the “Joint Case”).

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3. On or about February 11, 2008, a Notice of Voluntary Conversion from a Chapter 13 to a Chapter 7 was filed by Andrew George Adams, III, Counsel for the Debtor.

4. On February 11, 2008, an order was entered by the U.S. Bankruptcy Court converting the Debtor's case to a Chapter 7. The new bifurcated case number is 08-30579-DOT ("Current Case").

5. On or about February 11, 2008, Roy M. Terry, Jr. was appointed Chapter 7 trustee in this case and has remained trustee since that appointment.

### **Jurisdiction and Venue**

6. This adversary proceeding is commenced pursuant to Rule 7001 of the Federal Rules of Bankruptcy Procedure.

7. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

### **Allegations**

8. On or about August 22, 2001, the Debtor filed a Chapter 7 bankruptcy designated as Case No. 01-35099-DOT\ (the "Prior Case").

9. On November 30, 2001, the Debtor received a Chapter 7 discharge in the Prior Case.

10. The voluntary petition filed in the Joint Case disclosed one prior bankruptcy case which was filed within the last six (6) years.

11. Under Pre-BAPCPA Bankruptcy Code § 727(a)(8), the discharge granted to the Debtor in the Prior Case disqualifies the Debtor from receiving a discharge in the Current Case because the Prior Case was commenced within six (6) years before the Petition Date in the Current Case.

12. Pursuant to Bankruptcy Code § 348 "[c]onversion of a case from a case under one

chapter of this title to a case under another chapter of this title constitutes an order for relief under the chapter to which the case is converted, but . . . does not effect a change in the date of the filing of the petition, the commencement of the case, or the order for relief.” 11 U.S.C. § 348 (2000).

WHEREFORE, the U.S. Trustee respectfully requests that the Court (a) deny the Debtor’s discharge, (b) disgorge the Debtor’s attorney’s fees charged and (c) grant the U.S. Trustee such other and further relief which the Court may deem equitable and just.

Respectfully submitted,

W. CLARKSON MCDOW, JR  
U.S. Trustee for Region Four

By: /s/ Shannon D. Franklin Pecoraro  
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